

MINUTES
REGULAR MEETING OF THE TOWN COUNCIL,
TOWN OF CASTLE VALLEY
MAY 20, 2009 AT 6:15 P.M.
CASTLE VALLEY COMMUNITY CENTER
2 CASTLE VALLEY DRIVE

Town Council Members Present: Damian Bollermann, Jim Lindheim, Ranna Bieschke, Valli Smouse, Aaron Davies.

Others Present: Jack Campbell, Faylene Roth, Ron Drake, Pam Hackley, Greg Halliday, Dave Erley, Mary Beth Fitzburgh, Leta Vaughn, Joan Sangree, Jacob Robison (Design Engineer, NRCS), Norm Evanstadt (NRCS), Jim Tharp.

1. Call to Order: 6:27 P.M.
2. Open Public Comment.

Jack Campbell thought the Town should file a protest against a renewal of a permit for a gravel pit within our watershed.

Approval of Minutes:

3. Approval of Minutes: April 15, 2009 Regular Meeting of the Town Council.

Ranna motioned to approve the Minutes as amended. Jim seconded the Motion. Damian, Jim, Ranna and Aaron all approved the Motion. Valli abstained. The Motion passed with four in favor, one abstained.

4. Approval of Minutes: May 6, 2009 Special Workshop Meeting of the Town Council.

Ranna motioned to approve the Minutes as presented. Valli seconded the Motion. Damian, Jim, Ranna, Valli and Aaron all approved the Motion. The Motion passed unanimously.

5. Reports:

. Roads (Greg Halliday and the Roads Committee)

Damian questioned using the water truck versus rainfall for road grading. Valli answered that this is to establish a regular maintenance schedule. Joan commented that normal maintenance is spring and fall grading. However, Duke Relitz is only available on Friday and Saturday, so if it

rains at other times the work does not get done.

Damian said that the County does their grading in the spring and fall because of the rainfall during those times of the year. In years past, the Town followed the same schedule and there was a surplus of funds which was used to purchase equipment. Now that we have the equipment and have the ability to do more, we have to watch the budget.

Ranna asked if the dump truck is registered. Greg replied that it is not, as he does not have a Commercial Driver's License to drive it into Moab to get it inspected. Also, the dump truck needs a horn in order to be licensed. Damian said that the truck has a one-year temporary permit now, and that Duke could drive it into Moab to get it inspected and haul back gravel.

At this point, Damian mentioned that some gravel is left after chip sealing. Joan wondered if we could offer to purchase the gravel from the County.

. Planning and Land Use Commission (Mary Beth Fitzburgh)

Mary Beth commented that the biggest news is that they have had a request for a TAD (Temporary Accessory Dwelling). She did the inspection on Monday, and it meets all of the requirements.

New Business:

6. Discussion and Possible Action re: Ordinance on Electronic Meetings.

Jim motioned to pass Ordinance 2009 – 1 establishing an Ordinance for Electronic Meetings.

Ranna pointed out a typo in Section 3.B. Jim amended his motioned to include the correction of the typo in Section 3.B. Aaron seconded the Motion. Damian, Jim, Ranna, Valli and Aaron all approved the Motion. The Motion passed unanimously.

At this point, Aaron proposed suspending the order of business to allow the two NRCS representatives present to answer questions and still be able to return to Salt Lake City in a timely manner.

Old Business:

13. Discussion and Possible Action re: Status of NRCS Project.

A new cost estimate of the EWP project now shows the cost of getting and placing the rock to be much higher than the previous estimate. The current

estimate shows the value of the rock (which will be the Town's 25% in-kind portion) to be far below 25% of the total cost of the project. There may be some adjustments to total costs, and also the NRCS representatives commented that contractors are now taking bids at half of what the numbers show. Because of the costs of the project versus the possible in-kind amount, the project seems like a long shot. However, the NRCS representatives still seemed to think it could be worked out.

Ranna asked what Castle Valley's 25% in-kind amount is. Aaron replied \$28,000 or more depending on the dollar value of the rock, and we need \$80,000 to \$100,000 based on the current estimates. We are hoping a contractor will come in and do the work at much lower than these costs estimates.

At this point, we still anticipate using gabion baskets and the amount of rock hauled into the Town could be 100 trucks with trailers. There are still many details to be determined. The NRCS can stipulate in the contractor's agreement for performance time.

Resumption of regular order of business.

New Business (Cont'd):

7. Discussion and Possible Action re: Town Involvement with Recycling in Castle Valley.

Bruce Keeler, the presenter, was unable to attend. It was mentioned that the Solid Waste District is possibly taking over the Recycling Center in Moab.

After some discussion, it was decided that our current method of recycling (i.e., individuals responsible for their own recycling) is the best method for Castle Valley.

8. Discussion and Possible Action re: Revised FY2009 Budget and Proposed FY2010 Budget.

Jim presented the abovementioned draft budgets. He mentioned that he is currently projecting \$7,000 less in income due to waiting for the scholarship money to arrive before counting it, the Class C Roads income being off by one month and the interest rates plummeting.

Jim commented that while the amount budgeted for legal fees in this year looks high, if we are billed for this in July we will accrue. He also said that the proposed budget for 2010 does not include any money for raises.

After some discussion, a few adjustments were made to the proposed budgets. Jim pointed out that we will need a public hearing on the budgets before the next

meeting, and recommends it take place immediately prior to the regularly scheduled meeting on June 17, 2009, at 6:30 P.M. so that it can be passed at the regular meeting.

Jim will make the adjustments and send the adjusted budget out to the Town Council for their review and posting on the website prior to the public hearing.

9. Discussion and Possible Action re: Proposed Ordinance Regarding Driveway Culverts.

After some discussion, it was decided to do some more work on this, especially with regard to severability, and revisit it at the next Regular Town Council Meeting.

10. Discussion and Possible Action re: Water Truck.

Greg mentioned that he has located a military surplus 1983 2½ ton water truck with all-wheel drive and a 1,000 gallon tank and pump owned by the State of Utah for the Fire District in this area. The truck is surplus to the State and Greg was told we could bid on it in its present location in Fire Station 1. The State intends to hold a surplus equipment auction in Tooele sometime within the next few months and they would prefer to sell this on-site rather than transport it to Tooele.

Greg anticipates they will hold the auction sometime in June and would like to bid on it where it sits. The tank is not in good condition, but Floyd Stoughton, the Fire Chief, has offered to trade this out for a better tank at no charge. We were told that Ron Mengel has commented that, to the best of his knowledge, the motor on the pump works. Greg mentioned that it will need two new batteries, but that the tires look good. Other than draining the tank and putting new fuel in it, the engine looks good. We should probably estimate putting an additional \$500 into it to make it functional (labor costs are included in this estimate). Greg asked for permission to bid \$100 for the truck. Jim asked for a second opinion on the truck before making a bid.

The Town Council asked Greg to investigate the truck further, asking if we could perhaps jump it to make certain it runs. Joan expressed a concern with working on the truck if we don't own it.

In the end, the Town Council authorized Mayor Bollermann to approve a \$100 expenditure if it comes up for auction within the next month.

11. Discussion and Possible Action re: Ordinance Regarding Mayor's Salary.

Damian brought a draft of an ordinance to the attention of the Town Council which stipulates that the Mayor may, at his discretion, refuse payment for his services.

Jim felt that the Mayor should be compensated for his efforts, and that this should be left as it stands.

Aaron said he believes that the Mayor and Roads Department Manager compensations should be separated. They were put together because there was a period of time when three successive Road Supervisors left or were fired in a short period of time and Damian had to do the work of the Road Supervisor. This is not a normal situation and should not be codified.

Damian will work on another draft, with Valli's help, and bring it back to the Town Council at next month's regular meeting.

12. Discussion and Possible Action re: Backhoe Attachment for the Roads Department.

Denise located a backhoe attachment on Craig's list for \$4,000. Greg has talked with the dealer selling this and believes it to be in very good shape and at a very good price. He commented that he would need to see it before purchasing.

Greg further commented that the loader is very limited on some work because it is so large. Due to insurance concerns, he is not allowed to hire local citizens with backhoes to perform this work and renting equipment from Moab is not practical.

Joan commented that it would most likely be our most useful piece of road equipment. Both Duke and Greg can run a backhoe, and Sam Hill (another Town employee) is also a backhoe operator.

Jim suggested that the Town Council would need comparables before a decision could be made. Also, we should verify what type of backhoe will work with our tractor.

13. Discussion and Possible Action re: NRCS Project.

See below Item 6. on suspended order of business.

14. Discussion and Possible Action re: Water Rights.

The meeting with the Water Rights Division, Gerry Kinghorn, Damian and Jim in Price turned out to be a teleconference. Gerry, Damian and Jim carried most of the conversation, with Water Rights representatives having little to say with regard to municipal water rights, segregation, etc.

Jim brought up the fact that, in many instances, we are getting conflicting messages from the Water Rights Division and Gerry Kinghorn, which represents a problem. Jim suggested that, before having another meeting, we put our recommended procedure in writing before them.

Damian commented that Gerry recommends that we seek an Interim Decree on the Castle Creek Water Shed with the Adjudication Court.

After much discussion, it was agreed that Jim and Damian will draft a basic agreement and a proposed process for handling water rights, ask Scott Brackett to look at it, and then send it on to Gerry Kinghorn. This means that there will be no start cards issued this month, but that the Town will eventually be requesting start cards.

At the end of discussion, it was reiterated that we do want an interim decree and to have the SITLA protest cleared up.

It was agreed that Damian and Jim would work on this as a team representing the Town Council.

15. Discussion and Possible Action re: May 6, 2009 Proposed Amendments to Ordinance 85 – 3.

Jim commented that the Town Council cannot approve this without a drawing. Leta agreed to do the drawing and will send the Town a bill. Jim motioned to table the item. Ranna seconded the Motion. Damian, Jim, Ranna, Valli and Aaron all approved the Motion. The Motion passed unanimously.

16. Payment of Bills.

Ranna motioned for the bills to be approved as presented with the proviso that the check numbers on the check register be corrected. Valli seconded the Motion. Damian, Jim, Ranna, Valli and Aaron all approved the Motion. The Motion passed unanimously.

Valli motioned to adjourn the meeting. Ranna seconded the Motion. Damian, Jim, Ranna, Valli and Aaron all approved the Motion. The Motion passed unanimously.

Adjournment: 10:04 P.M.

APPROVED:

ATTESTED:

Damian Bollermann, Mayor

Denise Lucas, Town Clerk